

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6731**

**BILL NUMBER:** SB 347

**NOTE PREPARED:** May 2, 2013

**BILL AMENDED:** Apr 26, 2013

**SUBJECT:** Child Solicitation.

**FIRST AUTHOR:** Sen. Head

**FIRST SPONSOR:** Rep. McMillin

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. *Child Solicitation* – It raises the offense of child solicitation to a Class B felony if a person solicits the child to engage in sexual intercourse or deviate sexual conduct and the person: (1) has a previous conviction; or (2) travels to meet the child after using a computer network to solicit the child.
- B. *Sex Offender Internet Offense* – As a condition of the sex offender's probation, parole, or participation in a community transition program, it prohibits a sex offender from using social media to contact a child less than 16 years of age; makes it a sex offender Internet offense, a Class A misdemeanor, if the sex offender knowingly or intentionally violates this condition; and makes the sex offender Internet offense a Class D felony if the sex offender has a prior unrelated conviction for a sex offender Internet offense. It provides a defense to a prosecution for a sex offender Internet offense if the sex offender reasonably believed that the child was at least 16 years of age.
- C. *Attempted Child Molesting* – It provides that a person may be convicted of attempted child molesting if the person believed the intended victim was a child under 14 years of age at the time the person attempted to commit the offense. It expands the definition of "social networking web site" and "instant messaging or chat room program". It provides that a person performs a "substantial step" for purposes of an attempted crime if the person, with intent to commit a sex crime against a child, communicates with the child concerning the sex crime and travels to another location to meet the child.
- D. *Inappropriate Communication with a Child* – It specifies that a person at least 18 years of age can commit the offense of inappropriate communication with a child. (Under current law, the offense can be committed only by a person at least 21 years of age.) It raises inappropriate communication with a child to a Class D felony if the person has a prior unrelated conviction for a sex offense.

- E. *Study Committee* – It urges the Legislative Council to assign to the Criminal Law and Sentencing Policy Study Committee or another existing study committee the topic of the collection of crime and delinquency data.

**Effective Date:** Upon passage; July 1, 2013; July 1, 2014.

**Explanation of State Expenditures:** Any increase in Department of Correction (DOC) population due to these changes in statute cannot be determined.

The penalties involve Class A misdemeanor, and Class B, C, and D felony offenses. A Class D felony is punishable by a prison term of 6 months to 3 years, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging between 2 and 8 years. A Class B felony is punishable by a prison term ranging from 6 to 20 years.

The average length of stay in DOC facilities for all Class C felony offenders is approximately 2 years, approximately 3.7 years for Class B felony offenders, and approximately 10 months for Class D felony offenders.

The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$78,318 in FY 2012.

*Study Committee:* This bill urges the Legislative Council to assign the topic of the collection of crime and delinquency data to the Criminal Law and Sentencing Policy Study Committee or another existing study committee. Additional expenditures could occur if the study of these topics resulted in additional per diem or travel expenditures for committee members. However, the total expenditures of the committee must still be within the existing budget established by the Legislative Council for interim study committees.

The committee is to consider:

1. The extent to which certain crimes, including sex crimes and crimes of domestic violence are underreported to law enforcement.
2. Evidence showing that children who are victims of sex crimes or crimes of domestic violence are particularly reluctant to report these crimes to law enforcement.

**Explanation of State Revenues:** The bill could affect revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees). The maximum fines for a Class D, C, or B felony is \$10,000.

**Explanation of Local Expenditures:** If defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may change. However, any changes would likely be small.

**Explanation of Local Revenues:** Court fees for all criminal convictions are \$120. However, any changes would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.